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REMARKS

In the Final Office Action, Examiner Shah objected to and rejected pending claims 1-13 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration of the present application:

- A. Examiner Shah rejected claims 1-3 and 9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,122,960 to *Hutchings* et al.

The Applicant has thoroughly considered Examiner Shah's remarks concerning the patentability of claims 1-3 and 9 over the *Hutchings*. The Applicant has also thoroughly read the *Hutchings*. To warrant this §102(b) rejection of claims 1-3 and 9, *Hutchings* must show each and every limitation of independent claims 1 and 9 in as complete detail as is contained in independent claims 1 and 9. See, MPEP §2131. The Applicant respectfully traverses this §102(b) rejection of independent claims 1 and 9, because, among other things, *Hutchings* fails to show "characterized in that the activity monitor is operable to monitor and process the sensor signals discontinuously in time" in as complete detail as recited in independent claim 1, and "characterized in that the sensor signals are monitored and processed discontinuously in time" in as complete detail as recited in independent claim 9.

As to the traversal, a proper understanding of *Hutchings* reveals the fact that *Hutchings* teaches a continuous monitoring and processing of the sensor signals. Specifically, *Hutchings* teaches a device that monitor and processes sensor signals on a continuous basis to thereby measure distance traveled, speed and height jumped by a person while running or walking. Such measurements are performed by measurement cycles whereby each measurement cycle is initiated and completed in dependence upon the sensor signals. Thus, the device of *Hutchings* must continuously monitor and process the sensor signals to (1) determine when to initiate or end a measurement cycle and (2) perform the proper measurements during a measurement cycle. See, *Hutchings* at the Abstract; column 4, lines 8-41 and column 23, line 56 to column 25, line 62.

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Examiner Shah's misinterpretation of *Hutchings* is based on Examiner Shah's failure to understand that while the measurement cycles of *Hutchings* are discrete measurements made over different period of times, the beginning and the ending of each measurement cycle is dependent upon a monitoring and processing of the sensor signals of *Hutchings* to thereby obtain continuous calculation of factors defining the beginning and ending of each measurement cycle. In other words, the sensor signals are continually monitored and processed to thereby continually calculate a factor that defines the time period of each discrete measurement cycle.

For example, *Hutchings* teaches speed is continually calculated whereby a new measurement cycle is initiated at a time when the speed (i.e., velocity) is constant. See, *Hutchings* at column 4, lines 43-49; column 12, lines 41-48; and column 25, lines 27-37. Thus, the sensor signals relevant to the continual calculation of speed must be continually monitored and processed in order for the speed to be continually calculated. This is important to *Hutchings*, because any discontinuous in monitoring and processing of the sensor signals relevant to the calculation of speed could result in a failure of *Hutchings* to properly end a current measurement cycle and to initiate a new measurement cycle when the speed is constant whereby *Hutchings* objectives of accurately determining speed, distance and height performances would not be achieved.

Withdrawal of the rejection of independent claims 1 and 9 under 35 U.S.C. §102(b) as being anticipated by *Hutchings* is therefore respectfully requested.

Claims 2 and 3 depend from independent claim 1. Therefore, dependent claims 2 and 3 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2 and 3 are allowable the *Hutchings* for at least the same reason as set forth herein with respect to independent claim 1 being allowable *Hutchings*. Withdrawal of the rejection of dependent claims 2 and 3 under 35 U.S.C. §102(b) as being anticipated by *Hutchings* is therefore respectfully requested.

- B. Examiner Rosenbaum rejected claims 4-8 and 10-13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,960 to *Hutchings* in view of U.S.

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Patent No. 6,201,476 B1 to *Depeursinge* et al. or a reference entitled "A continuous patient activity monitor: validation and relation to disability" to *Walker* et al.

Claims 4-8 depend from independent claim 1. Therefore, dependent claims 4-8 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 4-8 are allowable over *Hutchings* in view of *Depeursinge* or *Walker* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over the *Hutchings*. Withdrawal of the rejection of dependent claims 4-8 under 35 U.S.C. §103(a) as being unpatentable over *Hutchings* in view of *Depeursinge* or *Walker* is therefore respectfully requested.

Claims 10-13 depend from independent claim 9. Therefore, dependent claims 10-13 include all of the elements and limitations of independent claim 9. It is therefore respectfully submitted by the Applicant that dependent claims 10-13 are allowable over *Hutchings* in view of *Depeursinge* or *Walker* for at least the same reason as set forth herein with respect to independent claim 9 being allowable over the *Hutchings*. Withdrawal of the rejection of dependent claims 10-13 under 35 U.S.C. §103(a) as being unpatentable over *Hutchings* in view of *Depeursinge* or *Walker* is therefore respectfully requested.

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SUMMARY

The Applicant respectfully submits that claims 1-13 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Shah is respectfully requested to contact the undersigned at the telephone number listed below.

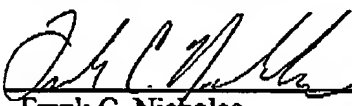
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